

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

THE PEOPLE,

Plaintiff and Respondent,

v.

MATTHEW DAVID CASTANEDA,

Defendant and Appellant.

C045484

(Super. Ct. No. 02F6884)

In September 2002, defendant Matthew David Castaneda pleaded guilty to possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)), and the court ordered him to successfully complete a community drug education treatment or rehabilitation program under the deferred entry of judgment program (Pen. Code, § 1000 et seq.). After defendant twice failed to complete the ordered treatment program, the trial court entered judgment on the underlying offense and placed defendant on "Prop. 36" probation for three years. (Pen. Code, § 1210.1).

In September 2003, the probation department filed a petition for revocation of probation. It alleged that defendant violated the conditions of his probation by failing to obey all laws and by using or possessing controlled substances. Defendant admitted the probation violations.

At sentencing, the trial court denied further probation and sentenced defendant to the middle term of two years in state prison for possessing methamphetamine. It awarded him 156 days of presentence credit. The trial court also ordered defendant to register as a controlled substance offender (Health & Saf. Code, § 11590), pay a \$400 restitution fine (Pen. Code, § 1202.4, subd. (b)), a \$400 parole revocation fine which was stayed (Pen. Code, § 1202.45), a \$135 laboratory analysis fee, which included state and county penalty assessments (Health & Saf. Code, § 11372.5; Pen. Code, § 1464; Gov. Code, § 76000), and a \$20 court security fee (Pen. Code, § 1465.8, subd. (a)(1)).

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant. Having undertaken an examination of the entire record, we find

no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

_____, BUTZ, J.

We concur:

_____, DAVIS, Acting P. J.

_____, ROBIE, J.